

#306
BILL NO. Z-92-04-09

ZONING MAP ORDINANCE NO. Z-Losh

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an B-1-A (Limited Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Part of the East half of the Southeast Quarter of Section
32, Township 31 North, Range 13 East, Allen County,
Indiana, more particularly described as follows:

Commencing at the Northeast corner of the East half of
the Southeast Quarter of Section 32, Township 31 North,
Range 13 East, Allen County, Indiana; thence west along
the North line of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 32-31-
13, a distance of 290.5 feet; thence South with a
deflection angle to the left of 89 degrees 07 minutes 20
seconds, a distance of 200 feet to the point of
beginning; thence West with a deflection angle to the
right of 89 degrees 07 minutes 20 seconds, a distance of
166.5 feet; thence South with a deflection angle to the
left of 89 degrees 07 minutes 20 seconds, a distance of
65.4 feet; thence East with a deflection angle to the
left of 90 degrees 52 minutes 40 seconds, a distance of
166.5 feet; thence North with a deflection angle to the
left of 89 degrees 07 minutes 20 seconds, a distance of
65.4 feet to the point of beginning, containing 0.25
acres.

and the symbols of the City of Fort Wayne Zoning Map No. S-14,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Clifford P. Edmah
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage.
~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		9		
BRADBURY		✓		
EDMONDS		✓		
GiaQUINTA		✓		
HENRY		✓		
LONG		✓		
LUNSEY		✓		
RAVINE		✓		
SCHMIDT		✓		
TALARICO		✓		

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

C/K # 1637

No 10894

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., March 19 1992

RECEIVED FROM Braggeman Ent. \$ 100.00
THE SUM OF One Hundred and no/one hundred DOLLARS
ON ACCOUNT OF Reign Phil 4704 E State

W. E. O'H
AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Patrick J. Bruggeman

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an POD District to a/an B-1A District the property described as follows:

See attached Exhibit "A" recorded as document 90-031070

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 4704 E. State Blvd., Fort Wayne, Indiana

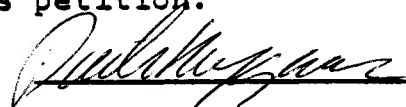
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Patrick J. Bruggeman

P.O. Box 11529

Fort Wayne, Indiana 46859



(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Peter G. Mallers 1100 Fort Wayne National Bank
(Name) Fort Wayne, Indiana 46802 (Address & Zip Code)

426-9706

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

EXHIBIT "A"

Part of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana; thence West along the North line of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 32-31-13, a distance of 290.5 feet; thence South with a deflection angle to the left of 89 degrees 07 minutes 20 seconds, a distance of 200 feet to the point of beginning; thence West with a deflection angle to the right of 89 degrees 07 minutes 20 seconds, a distance of 166.5 feet; thence South with a deflection angle to the left of 89 degrees 07 minutes 20 seconds, a distance of 65.4 feet; thence East with a deflection angle to the left of 90 degrees 52 minutes 40 seconds, a distance of 166.5 feet; thence North with a deflection angle to the left of 89 degrees 07 minutes 20 seconds, a distance of 65.4 feet to the point of beginning, containing 0.25 acres.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana April 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-92-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

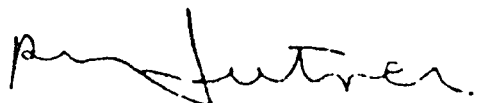
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
19th day of April 1992.



Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From POD to B-1-A

DETAILS

Specific Location and/or Address <p>4704 E State B1</p>
Reason for Project <p>Beauty Salon</p>
Discussion (Including relationship to other Council actions) <p>20 April 1992 - Public Hearing</p> <p>See Attached Minutes of Meeting</p> <p>27 April 1992 - Business Meeting</p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.</p> <p>Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.</p> <p>Motion carried.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Patrick J Bruggeman City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would create spot zoning.
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

Bill No. Z-92-04-09 - Change of Zone #506
From P.O.D. to B-1-A
4704 E State Bl

Peter Mallers, attorney for the petitioner appeared before the Commission. Mr. Mallers stated that they were requesting the rezoning in order to accommodate a beauty salon. He stated that the structure is existing and would house an 8 station salon. He stated that no part of the premises would be used for retail sales, except for sale of products to customers who were already there. Mr. Mallers stated that he felt a beauty salon was a compatible use along with professional offices. He stated that it was a use that is closely related to health care. He stated that the professional office park has a restrictive covenant which would limit the site to a beauty shop use. He stated that he felt the beauty salon would have no adverse effect on the property values in the area. He stated that he felt there were certain uses already existing in the POD that were somewhat out of line with a professional office use. He stated that the largest tenant of the park is TLC Child Care Center which was not, in his opinion, a professional office use. He stated they also have a diet and nutrition facility in the park, which again was a health related field. He stated that in the State & Reed POD, south of this property they have a B1A classification that was rezoned specifically for a beauty salon and is currently being used as one.

It was questioned by a Commissioner when the existing B1A zoning was approved in the State & Reed POD.

It was stated that it was approved in 1986.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

#504

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4704 E State Bl

2-92-04-09

EFFECT OF PASSAGE Property is currently zoned POD -

Professional Office District. Property will become a BIA -

Limited Business District.

EFFECT OF NON-PASSAGE Property will remain a POD -

Professional Office District.

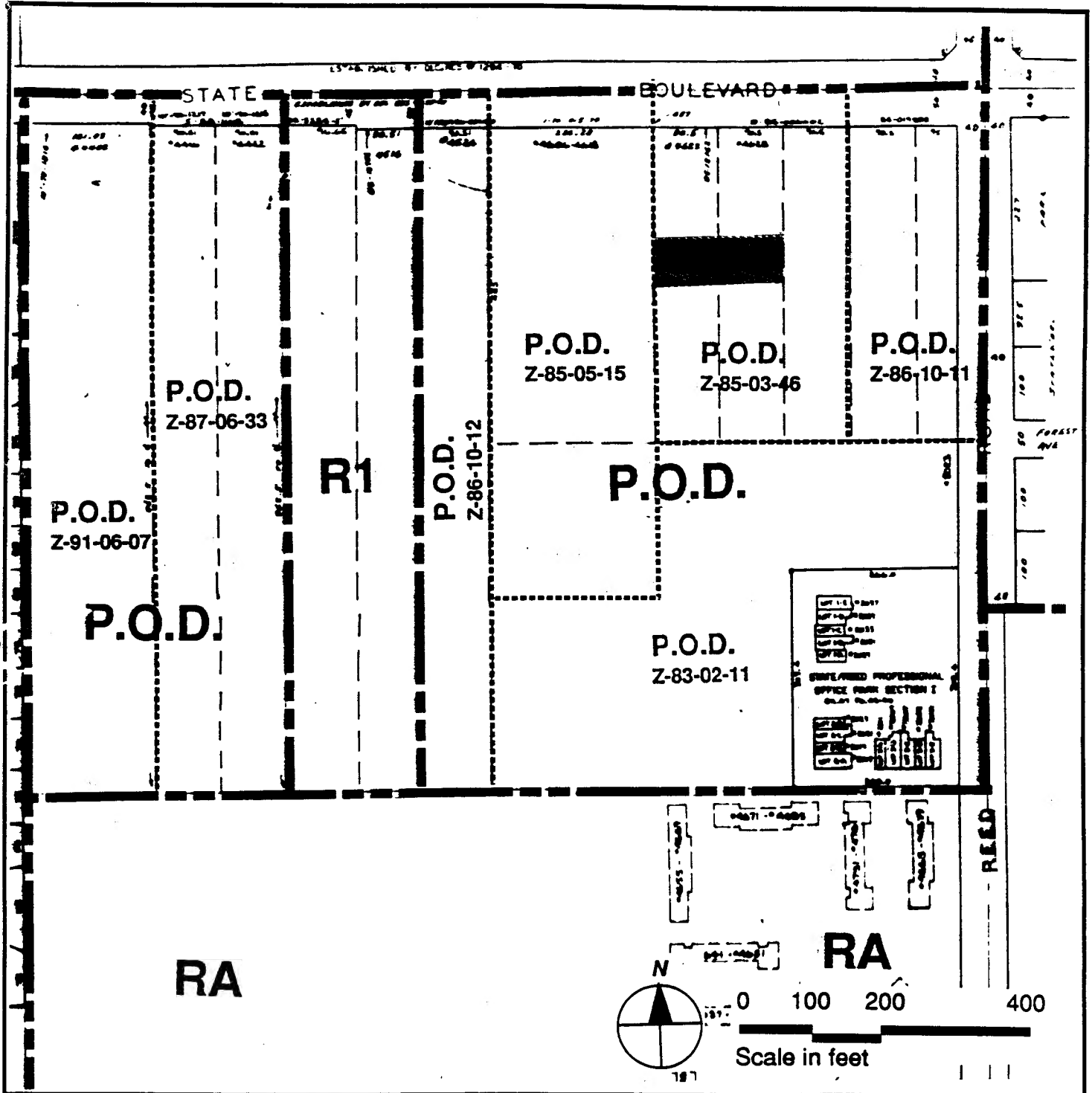
MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

REZONING PETITION

AREA MAP

CASE NO. #506



COUNCILMANIC DISTRICT NO. 2

Map No. S-14
LW 3-27-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. 7-92-04-09

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

~~DO~~ PASS

DO ~~NOT~~ PASS

ABSTAIN

NO REC

Cletus Edmonds
Mark E. Giaquinta
Ravine Schmidt

DATED: 5-26-92

Sandra E. Kennedy
City Clerk